

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

JURY TRIAL DEMANDED

**SUPPLEMENTAL DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED
COMPLAINT FOR FAILURE TO STATE A CLAIM**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc., EMC Corporation, and VMware, Inc. (collectively, “Defendants”) in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit C** is a true and correct copy of a September 30, 2020 letter that I sent to Jim Etheridge, counsel for Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff”), regarding deficiencies in Plaintiff’s original complaint.

3. Attached hereto as **Exhibit D** is a true and correct copy of an October 5, 2020 letter from Brett Mangrum, counsel for Plaintiff, to counsel for Defendants. This letter responded to my September 30 letter.

4. Attached hereto as **Exhibit E** is a true and correct copy of an October 20, 2020 letter that I sent to Jim Etheridge, counsel for Plaintiff, regarding deficiencies in Plaintiff’s First Amended Complaint and October 14, 2020 preliminary infringement contentions, and requesting supplementation of the preliminary infringement contentions.

5. Attached hereto as **Exhibit F** is a true and correct copy of a November 3, 2020 letter from Mr. Mangrum, counsel for Plaintiff, to counsel for Defendants. This letter responded to my October 20 letter.

6. Attached hereto as **Exhibit G** is a true and correct copy of a November 17, 2020 letter that I sent to Jim Etheridge, counsel for Plaintiff, regarding Plaintiff's October 14, 2020 preliminary infringement contentions and again requesting supplementation of them.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 20, 2020

/s/ Brian A. Rosenthal
Brian A. Rosenthal